

Remarks

This paper is responsive to the Office Action mailed June 23, 2009.

Claims 1-29 are pending in the instant application. In the Action, the Office objected to the abstract and rejected claims 1-29. Applicant hereby amends claims 1, 5, 8, 12, 13, 16, 19, 23, 24, and 27, and cancels claims 9-11 and 20-22 without prejudice or disclaimer.

Objection

The Office has objected to the abstract. Applicant has typed the abstract appearing on the first page of the WIPO document (WO 2005/070943) on a separate sheet as requested by the Office. Applicant respectfully requests withdrawal of the objection.

Rejection – 35 U.S.C. § 112, first paragraph

The Office has rejected claims 1-25 under 35 U.S.C. § 112, first paragraph, asserting that the specification, while being enabling for separation of α -PGG and the β - anomers from a mixture containing 50% or more of a single anomer, does not reasonably provide enablement for the separation of the anomers from a mixture containing: the α - and β - analogs of PGG; the α - and β - analogs of PGG in which the ring oxygen is substituted by carbon, nitrogen, or sulfur; or the α - and β - analogs of PGG in which glucose is substituted by another hexose, pentose, or tetrose. This is an enablement rejection. Without addressing the merits of the rejection, Applicant has amended the claims such that they no longer recite α - and β - analogs of PGG in an effort to advance prosecution of this application. Applicant reserves the right to file a continuation application directed to the α - and β - analogs of PGG and respectfully requests withdrawal of the rejection.

Rejection – 35 U.S.C. § 112, second paragraph

The Office has rejected claims 1-29 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

The Office asserts that recitation of analogs in claims 1, 2, and 26 render the claims indefinite. Without addressing the merits of the rejection, Applicant has amended the claims such that they no longer recite analogs in an effort to advance prosecution of this application. Applicant reserves the right to file a continuation application directed to analogs of PGG and respectfully requests withdrawal of the rejection.

The Office also asserts that the terms elevated and lower in claims 5, 8, 16, and 19 render the claims indefinite. Without addressing the merits of the rejection, Applicant has amended the claims such that they no longer recite elevated and lower in an effort to advance prosecution of this application. Applicant reserves the right to file a continuation application directed to elevated and lower, and respectfully requests withdrawal of the rejection.

Furthermore, the Office rejected claims 9 and 20 as being indefinite. Without addressing the merits of the rejection, Applicant has canceled claims 9 and 20 without prejudice or disclaimer in an effort to advance prosecution of this application. Applicant reserves the right to file a continuation application directed to the canceled claims and respectfully requests withdrawal of the rejection.

Finally, the Office has rejected claims 24 and 27 as being indefinite for reciting steps for crystallizing the said anomers of α -PGG and β -PGG only. Without addressing the merits of the rejection, Applicant has amended the claims such that they no longer recite analogs in an effort to advance prosecution of this application. Applicant reserves the right to file a continuation application directed to analogs of PGG and respectfully requests withdrawal of the rejection.

In the event the Commissioner should decide that any additional fee or fee deficiency is due, the Commissioner is hereby authorized to charge any and all fees incurred as a result of entering or considering this document to deposit account number 03-0172.

Application No. 10/597,395
Attorney Docket No. 27211/04220
Response to Office Action

Respectfully submitted,

Calfce, Halter & Griswold LLP

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By: /milan jovanovic/

Milan Jovanovic

Reg. No. 60,798

(614) 621-7768

(614) 621-0010 (fax)

mjovanovic@calfce.com